

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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| UNITED STATE OF AMERICA, | : | NOTICE OF MOTION |
| | : | TO SUPPRESS PHYSICAL |
| - against | : | EVIDENCE AND STATEMENTS |

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| LEONARDO MONTES-REYES, | : | |
| | : | 08 CR 10 (DLC) |

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| Defendant. | : |
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SIR OR MADAM:

PLEASE TAKE NOTICE that upon the annexed Declaration of LEONARD MONTES-REYES and the annexed Memorandum of Law and Fact, the undersigned will move this Court, before the Honorable Denise L. Cote at the United States Courthouse, 500 Pearl Street, New York, New York, on June 9, 2008, or as soon thereafter as counsel may be heard, for an ORDER suppressing physical evidence seized from the defendant and statements made by the defendant, pursuant to Rule 12 of the Federal Rules of Criminal Procedure, on the grounds that the evidence was obtained in violation of the defendant's rights under the United States Constitution, or, in the alternative, granting a hearing on the motion, and granting such other and further relief as appears just and proper.

Dated: New York, New York
February 29, 2008

Respectfully submitted,

LEONARD F. JOY, ESQ.
The Legal Aid Society

By:

MARK B. GOMBINER, ESQ.
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Southern District of New York
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Attn.: **MICHAEL ROSENSAFT, ESQ.**
Assistant United States Attorney